

- (e) *Tilletia indica* (Mitra) Mundkur;
- (f) Mechanized harvesting equipment that has been used in the production of wheat, durum wheat, or triticale that has tested positive for Karnal bunt through the presence of bunted kernels; and
- (g) Any other product, article, or means of conveyance when:

(1) An inspector determines that it presents a risk of spreading Karnal bunt based on appropriate testing and the intended use of the product, article, or means of conveyance; and

(2) The person in possession of the product, article, or means of conveyance has been notified that it is regulated under this subpart.

[69 FR 8095, Feb. 23, 2004]

#### § 301.89-3 Regulated areas.

(a) The Administrator will regulate each State or each portion of a State that is infected.

(b) Less than an entire State will be listed as a regulated area only if the Administrator:

(1)(i) Determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.89-2 that are equivalent to the movement restrictions imposed by this subpart; and

(ii) Determines that designating less than the entire State as a regulated area will prevent the spread of Karnal bunt; or

(2) Exercises his or her extraordinary emergency authority under 7 U.S.C. 150dd.

(c) The Administrator may include noninfected acreage within a regulated area due to its proximity to an infestation or inseparability from the infected locality for regulatory purposes, as determined by:

(1) Projections of the spread of Karnal bunt along the periphery of the infestation;

(2) The availability of natural habitats and host materials within the noninfected acreage that are suitable for establishment and survival of Karnal bunt; and

(3) The necessity of including uninfected acreage within the regulated area in order to establish readily identifiable boundaries.

(d) The Administrator or an inspector may temporarily designate any nonregulated area as a regulated area in accordance with the criteria specified in paragraphs (a), (b), and (c) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonregulated area, or, in the case of publicly owned land, to the person responsible for the management of the nonregulated area. Thereafter, the movement of any regulated article from an area temporarily designated as a regulated area is subject to this subpart. As soon as practicable, this area either will be added to the list of designated regulated areas in paragraph (g) of this section, or the Administrator will terminate the designation. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which the designation is terminated will be given written notice of the termination as soon as practicable.

(e) The Administrator will classify a field or area as a regulated area when:

(1) It is a field planted with seed from a lot found to contain a bunted wheat kernel; or

(2) It is a distinct definable area that contains at least one field that was found during survey to contain a bunted wheat kernel (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field found during survey to contain a bunted kernel); or

(3) It is a distinct definable area that contains at least one field that has been determined to be associated with grain at a handling facility containing a bunted kernel of a host crop (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to the field associated with the bunted kernel at the handling facility).

(f) A field known to have been infected with Karnal bunt, as well as any non-infected acreage surrounding the field, will be released from regulation if:

(1) The field is no longer being used for crop production; or

(2) Each year for a period of 5 consecutive years, the field is subjected to any one of the following management practices (the practice used may vary from year to year):

(i) Planted with a cultivated non-host crop;

(ii) Tilled once annually; or

(iii) Planted with a host crop that tests negative, through the absence of bunted kernels, for Karnal bunt.

(g) The following areas or fields are designated as regulated areas (maps of the regulated areas may be obtained by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, 4700 River Road Unit 98, Riverdale, MD 20737-1236):

#### ARIZONA

*La Paz County.* Beginning at the northeast corner of sec. 19, T. 8 N., R. 20 W.; then south to the southeast corner of sec. 31, T. 7 N., R. 20 W.; then west to the northeast corner of sec. 2, T. 6 N., R. 21 W.; then south to the southeast corner of sec. 2, T. 6 N., R. 21 W.; then west to the southwest corner of sec. 2, T. 6 N., R. 21 W.; then south to the southeast corner of sec. 15, T. 6 N., R. 21 W.; then west to the southwest corner of sec. 13, T. 6 N., R. 22 W.; then north to the northwest corner of sec. 24, T. 7 N., R. 22 W.; then east to the northeast corner of sec. 24, T. 7 N., R. 22 W.; then north to the point of intersection with the Colorado River; then northeast along the Colorado River to its intersection with the northern boundary of sec. 16, T. 8 N., R. 21 W.; then east to the northeast corner of sec. 14, T. 8 N., R. 21 W.; then south to the southeast corner of sec. 14, T. 8 N., R. 21 W.; then east to the point of beginning.

*Maricopa County.* (1) Beginning at the southeast corner of sec. 17, T. 1 S., R. 2 E.; then west to the southwest corner of sec. 14, T. 1 S., R. 1 E.; then north to the northwest corner of sec. 14, T. 1 S., R. 1 E.; then west to the southwest corner of sec. 9, T. 1 S., R. 1 E.; then north to the northwest corner of sec. 9, T. 1 S., R. 1 E.; then west to the southwest corner of sec. 5, T. 1 S., R. 1 E.; then north to the northwest corner of sec. 5, T. 1 S., R. 1 E.; then west to the northeast corner of sec. 6, T. 1 S., R. 1 W.; then south to the southeast corner of sec. 7, T. 1 S., R. 1 W.; then west to the northeast corner of sec. 14, T. 1 S., R. 2 W.; then south to the southeast corner of sec. 14, T. 1 S., R. 2 W.; then west to the northeast corner of sec. 20, T. 1 S., R. 2 W.; then south to the southeast corner of sec. 20, T. 1 S., R. 2 W.; then west to the northeast corner of sec. 29, T. 1 S., R. 3 W.;

then south to the southeast corner of sec. 29, T. 1 S., R. 3 W.; then west to the southwest corner of sec. 26, T. 1 S., R. 5 W.; then north to the northwest corner of sec. 14, T. 1 N., R. 5 W.; then east to the southwest corner of sec. 7, T. 1 N., R. 2 W.; then north to the northwest corner of sec. 7, T. 1 N., R. 2 W.; then east to the northeast corner of sec. 7, T. 1 N., R. 2 W.; then north to the northwest corner of sec. 5, T. 1 N., R. 2 W.; then east to the northeast corner of sec. 5, T. 1 N., R. 2 W.; then north to the northwest corner of sec. 28, T. 2 N., R. 2 W.; then east to the northeast corner of sec. 28, T. 2 N., R. 2 W.; then north to the northwest corner of sec. 3, T. 3 N., R. 2 W.; then east to the northeast corner of sec. 1, T. 3 N., R. 1 W.; then south to the northwest corner of sec. 19, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 20, T. 3 N., R. 1 E.; then south to the northeast corner of sec. 29, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 27, T. 3 N., R. 1 E.; then south to the southeast corner of sec. 27, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 35, T. 3 N., R. 1 E.; then south to the southeast corner of sec. 35, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 1, T. 2 N., R. 1 E.; then south to the northeast corner of sec. 1, T. 1 N., R. 1 E.; then east to the northeast corner of sec. 4, T. 1 N., R. 2 E.; then south to the northwest corner of sec. 15, T. 1 N., R. 2 E.; then east to the northeast corner of sec. 15, T. 1 N., R. 2 E.; then south to the southeast corner of sec. 27, T. 1 N., R. 2 E.; then west to the southwest corner of sec. 27, T. 1 N., R. 2 E.; then south to the southeast corner of sec. 33, T. 1 N., R. 2 E.; then west to the northeast corner of sec. 4, T. 1 S., R. 2 E.; then south to the southeast corner of sec. 4, T. 1 S., R. 2 E.; then west to the southwest corner of sec. 4, T. 1 S., R. 2 E.; then south to the point of beginning.

(2) Beginning at the intersection of the Maricopa/Pinal County line and the southeast corner of sec. 36, T. 2 S., R. 7 E.; then west along the Maricopa/Pinal County line to the southwest corner of sec. 31, T. 2 S., R. 5 E.; then north to the southeast corner of sec. 25, T. 2 S., R. 4 E.; then west to the southwest corner of sec. 25, T. 2 S., R. 4 E.; then north to the southwest corner of sec. 13, T. 2 S., R. 4 E.; then west to the southwest corner of sec. 15, T. 2 S., R. 4 E.; then north to the northwest corner of sec. 3, T. 2 S., R. 4 E.; then east to the southwest corner of sec. 35, T. 1 S., R. 4 E.; then north to the northwest corner of sec. 35, T. 1 S., R. 4 E.; then east to the northeast corner of sec. 33, T. 1 S., R. 5 E.; then north to the northwest corner of sec. 22, T. 1 S., R. 5 E.; then east to the northeast corner of sec. 19, T. 1 S., R. 6 E.; then north to the northwest corner of sec. 8, T. 1 S., R. 6 E.; then east to the southwest corner of sec. 3, T. 1 S., R. 6 E.; then north to the northwest corner of sec. 3, T. 1 S., R. 6 E.; then east to the northeast corner of sec.

2, T. 1 S., R. 6 E.; then south to the southeast corner of sec. 2, T. 1 S., R. 6 E.; then east to the northeast corner of sec. 7, T. 1 S., R. 7 E.; then south to the northwest corner of sec. 5, T. 2 S., R. 7 E.; then east to the northeast corner of sec. 3, T. 2 S., R. 7 E.; then north to the northwest corner of sec. 35, T. 1 S., R. 7 E.; then east to the northeast corner of sec. 36, T. 1 S., R. 7 E. and the Maricopa/Pinal County line; then south along the Maricopa/Pinal County line to the point of beginning.

(3) Beginning at the southeast corner of sec. 30, T. 6 S., R. 5 W.; then west to the northeast corner of sec. 33, T. 6 S., R. 6 W.; then south to the southeast corner of sec. 33, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 36, T. 6 S., R. 7 W.; then north to the northwest corner of sec. 36, T. 6 S., R. 7 W.; then west to the southwest corner of sec. 26, T. 6 S., R. 7 W.; then north to the northwest corner of sec. 23, T. 6 S., R. 7 W.; then west to the southeast corner of sec. 18, T. 6 S., R. 7 W.; then north to the northeast corner of sec. 6, T. 6 S., R. 7 W.; then west to the southeast corner of sec. 31, T. 5 S., R. 7 W.; then north to the northwest corner of sec. 29, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 29, T. 5 S., R. 7 W.; then east to the southwest corner of sec. 22, T. 5 S., R. 7 W.; then north to the northwest corner of sec. 14, T. 5 S., R. 7 W.; then north to the northwest corner of sec. 14, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 13, T. 5 S., R. 6 W.; then south to the southeast corner of sec. 24, T. 5 S., R. 6 W.; then east to the northeast corner of sec. 30, T. 5 S., R. 5 W.; then south to the southeast corner of sec. 30, T. 5 S., R. 5 W.; then east to the northeast corner of sec. 32, T. 5 S., R. 5 W.; then south to the southeast corner of sec. 32, T. 5 S., R. 5 W.; then east to the northeast corner of sec. 5, T. 6 S., R. 5 W.; then south to the southeast corner of sec. 20, T. 6 S., R. 5 W.; then west to the northeast corner of sec. 30, T. 6 S., R. 5 W.; then south to the point of beginning.

(4) Beginning at the southeast corner of sec. 36, T. 2 N., R. 5 E.; then west to the northeast corner of sec. 4, T. 1 N., R. 5 E.; then south to the southeast corner of sec. 4, T. 1 N., R. 5 E.; then west to the southwest corner of sec. 4, T. 1 N., R. 5 E.; then south to the southeast corner of sec. 17, T. 1 N., R. 5 E.; then west to the southwest corner of sec. 17, T. 1 N., R. 5 E.; then north to the northwest corner of sec. 17, T. 1 N., R. 5 E.; then west to the southwest corner of sec. 12, T. 1 N., R. 4 E.; then north to the northwest corner of sec. 12, T. 1 N., R. 4 E.; then east to the northeast corner of sec. 12, T. 1 N., R. 4 E.; then north to the northwest corner of sec. 7, T. 2 N., R. 5 E.; then east to the northeast corner of sec. 12, T. 2 N., R. 5 E.; then south to the point of beginning.

*Pinal County:* (1) Beginning at the intersection of the Maricopa/Pinal County line and

the northwest corner of sec. 31, T. 1 S., R. 8 E.; then east to the northeast corner of sec. 32, T. 1 S., R. 8 E.; then south to the northwest corner of sec. 4, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 4, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 16, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 22, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 27, T. 2 S., R. 8 E.; then west to the southeast corner of sec. 28, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 4, T. 3 S., R. 8 E.; then west to the northeast corner of sec. 8, T. 3 S., R. 8 E.; then south to the southeast corner of sec. 8, T. 3 S., R. 8 E.; then west to the southwest corner of sec. 12, T. 3 S., R. 7 E.; then north to the southeast corner of sec. 2, T. 3 S., R. 7 E.; then west to the northeast corner of sec. 9, T. 3 S., R. 6 E.; then south to the southeast corner of sec. 4, T. 4 S., R. 6 E.; then west to the southwest corner of sec. 5, T. 4 S., R. 6 E.; then north to the northwest corner of sec. 5, T. 4 S., R. 6 E.; then west to the southwest corner of sec. 34, T. 3 S., R. 5 E.; then north to the northwest corner of sec. 10, T. 3 S., R. 5 E.; then west to the southwest corner of sec. 6, T. 3 S., R. 5 E.; then north to the northwest corner of sec. 6, T. 3 S., R. 5 E. and the intersection of the Maricopa/Pinal County line; then east along the Maricopa/Pinal County line to the southeast corner of sec. 36, T. 2 S., R. 7 E.; then north along the Maricopa/Pinal County line to the point of beginning.

(2) Beginning at the southeast corner of sec. 5, T. 6 S., R. 4 E.; then west to the southwest corner of sec. 1, T. 6 S., R. 3 E.; then south to the southeast corner of sec. 14, T. 6 S., R. 3 E.; then west to the southwest corner of sec. 14, T. 6 S., R. 3 E.; then south to the southeast corner of sec. 22, T. 6 S., R. 3 E.; then west to the northeast corner of sec. 30, T. 6 S., R. 3 E.; then south to the southeast corner of sec. 30, T. 6 S., R. 3 E.; then west to the southwest corner of sec. 30, T. 6 S., R. 3 E.; then north to the southeast corner of sec. 25, T. 6 S., R. 2 E.; then west to the southwest corner of sec. 25, T. 6 S., R. 2 E.; then north to the southeast corner of sec. 11, T. 6 S., R. 2 E.; then west to the southwest corner of sec. 11, T. 6 S., R. 2 E.; then north to the northwest corner of sec. 35, T. 4 S., R. 2 E.; then east to the northeast corner of sec. 35, T. 4 S., R. 2 E.; then north to the northwest corner of sec. 25, T. 4 S., R. 2 E.; then east to the southwest corner of sec. 20, T. 4 S., R. 3 E.; then north to the northwest corner of sec. 20, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 24, T. 4 S., R. 3 E.; then south to the southeast corner of sec. 24, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 28, T. 4 S., R. 4 E.; then south to the northwest corner of sec. 34, T. 4 S., R. 4 E.; then east to the northeast corner of sec. 35, T. 4 S., R. 4 E.; then south to the northwest corner of sec. 1, T. 5 S., R. 4 E.; then east to the northeast corner of sec. 1, T. 5 S.,

R. 4 E.; then south to the southeast corner of sec. 1, T. 5 S., R. 4 E.; then west to the northeast corner of sec. 12, T. 5 S., R. 4 E.; then south to the southeast corner of sec. 24, T. 5 S., R. 4 E.; then west to the southwest corner of sec. 24, T. 5 S., R. 4 E.; then south to the northeast corner of sec. 35, T. 5 S., R. 4 E.; then west to the northwest corner of sec. 35, T. 5 S., R. 4 E.; then south to the southeast corner of sec. 37, T. 5 S., R. 4 E.; then west to the northwest corner of sec. 50, T. 5 S., R. 4 E.; then south to the southeast corner of sec. 49, T. 6 S., R. 4 E.; then west to the northeast corner of sec. 5, T. 6 S., R. 4 E.; then south to the point of beginning.

(3) The following individual fields in Pinal County are regulated areas: 309021804, 309042601, 309050104, 309050109, 309050122, 309050209.

#### CALIFORNIA

*Riverside County.* That portion of Riverside County known as the Palo Verde Valley (in part) bounded by a line drawn as follows: Beginning at the intersection of Neighbours Boulevard and West Hobson Way; then east on West Hobson Way to Arrowhead Boulevard; then north on Arrowhead Boulevard to West 11th Avenue; then east on West 11th Avenue to Defrain Boulevard; then north on Defrain Boulevard to 10th Avenue; then east on 10th Avenue to the southern boundary line of secs. 23 and 24, T. 6 S., R. 23 E.; then east along that boundary line to the California/Arizona State line; then south along the State line to the southern boundary line of secs. 25, 26, and 27, T. 8 S., R. 22 E.; then west along that boundary line to 36th Avenue; then west on 36th Avenue to Stephenson Boulevard; then north on Stephenson Boulevard to 34th Avenue; then west on 34th Avenue to Keim Boulevard; then north along an imaginary line to the intersection of 28th Avenue and Keim Boulevard; then north on Keim Boulevard to its northernmost point; then from that point northeast along an imaginary line to the intersection of Stephenson Boulevard and West 14th Avenue; then east along West 14th Avenue to Neighbours Boulevard; then north on Neighbours Boulevard to the point of beginning.

#### TEXAS

*Archer County.* (1) Beginning at the intersection of the line of longitude  $-98.5457^{\circ}$  W. and the line of latitude  $33.6656^{\circ}$  N.; then east along the line of latitude  $33.6656^{\circ}$  N. to the line of longitude  $-98.4380^{\circ}$  W.; then south along the line of longitude  $-98.4380^{\circ}$  W. to the line of latitude  $33.5763^{\circ}$  N.; then west along the line of latitude  $33.5763^{\circ}$  N. to the line of longitude  $-98.5457^{\circ}$  W.; then north along the line of longitude  $-98.5457^{\circ}$  W. to the point of beginning.

(2) Beginning at the intersection of the Archer/Baylor County line and the line of latitude

$33.4051^{\circ}$  N.; then east along the line of latitude  $33.4051^{\circ}$  N. to the line of longitude  $-98.9345^{\circ}$  W.; then north along the line of longitude  $-98.9345^{\circ}$  W. to the line of latitude  $33.4570^{\circ}$  N.; then east along the line of latitude  $33.4570^{\circ}$  N. to the line of longitude  $-98.8227^{\circ}$  W.; then south along the line of longitude  $-98.8227^{\circ}$  W. to the Archer/Young County line; then west along the Archer/Young County line to the Archer/Baylor County line; then north along the Archer/Baylor County line to the point of beginning.

(3) Beginning at the intersection of the Archer/Young County line and the line of longitude  $-98.7926^{\circ}$  W.; then north along the line of longitude  $-98.7926^{\circ}$  W. to the line of latitude  $33.3978^{\circ}$  N.; then east along the line of latitude  $33.3978^{\circ}$  N. to the line of longitude  $-98.6870^{\circ}$  W.; then south along the line of longitude  $-98.6870^{\circ}$  W. to the Archer/Young County line; then west along the Archer/Young County line to the point of beginning.

*Baylor County.* (1) Beginning at the intersection of the line of longitude  $-99.1633^{\circ}$  W. and the line of latitude  $33.8148^{\circ}$  N.; then east along the line of latitude  $33.8148^{\circ}$  N. to the line of longitude  $-99.0436^{\circ}$  W.; then south along the line of longitude  $-99.0436^{\circ}$  W. to the line of latitude  $33.7143^{\circ}$  N.; then west along the line of latitude  $33.7143^{\circ}$  N. to the line of longitude  $-99.1633^{\circ}$  W.; then north along the line of longitude  $-99.1633^{\circ}$  W. to the point of beginning.

(2) Beginning at the intersection of the Baylor/Knox County line and the line of latitude  $33.6751^{\circ}$  N.; then east along the line of latitude  $33.6751^{\circ}$  N. to the line of longitude  $-99.3831^{\circ}$  W.; then south along the line of longitude  $-99.3831^{\circ}$  W. to the line of latitude  $33.6505^{\circ}$  N.; then east along the line of latitude  $33.6505^{\circ}$  N. to the line of longitude  $-99.2542^{\circ}$  W.; then south along the line of longitude  $-99.2542^{\circ}$  W. to the line of latitude  $33.5598^{\circ}$  N.; then west along the line of latitude  $33.5598^{\circ}$  N. to the line of longitude  $-99.3139^{\circ}$  W.; then south along the line of longitude  $-99.3139^{\circ}$  W. to the line of latitude  $33.4542^{\circ}$  N.; then west along the line of latitude  $33.4542^{\circ}$  N. to the line of longitude  $-99.4276^{\circ}$  W.; then north along the line of longitude  $-99.4276^{\circ}$  W. to the line of latitude  $33.5284^{\circ}$  N.; then west along the line of latitude  $33.5284^{\circ}$  N. to the Baylor/Knox County line; then north along the Baylor/Knox County line to the point of beginning.

(3) Beginning at the intersection of the Baylor/Throckmorton County line and the line of longitude  $-99.1271^{\circ}$  W.; then north along the line of longitude  $-99.1271^{\circ}$  W. to the line of latitude  $33.4445^{\circ}$  N.; then east along the line of latitude  $33.4445^{\circ}$  N. to the line of longitude  $-99.0189^{\circ}$  W.; then south along the line of longitude  $-99.0189^{\circ}$  W. to the line of latitude  $33.4051^{\circ}$  N.; then east along the line of latitude  $33.4051^{\circ}$  N. to the Baylor/Archer County line; then south along the Baylor/Archer County line to the Baylor/

Throckmorton County line; then west along the Baylor/Throckmorton County line to the point of beginning.

*Knox County.* Beginning at the intersection of the Knox/Baylor County line and the line of latitude 33.5284° N.; then west along the line of latitude 33.5284° N. to the line of longitude -99.4962° W.; then north along the line of longitude -99.4962° W. to the line of latitude 33.5802° N.; then west along the line of latitude 33.5802° N. to the line of longitude -99.4971° W.; then north along the line of longitude -99.4971° W. to the line of latitude 33.6751° N.; then east along the line of latitude 33.6751° N. to the Knox/Baylor County line; then south along the Knox/Baylor County line to the point of beginning.

*McCulloch County.* Beginning at the intersection of the line of longitude -98.9975 and the line of latitude 31.2133 N.; then west along the line of latitude 31.2133 N. to the line of longitude 99.1818 W.; then north along the line of longitude 99.1818 W. to the line of latitude 31.3435 N.; then east along the line of latitude 31.3435 N. to the line of longitude -98.9975 W.; then south along the line of longitude -98.9975 W. to the point of beginning.

*San Saba County.* (1) Beginning at the intersection of the San Saba/Mills County line and the line of longitude -98.5851° W.; then south along the line of longitude -98.5851° W. to the line of latitude 31.1301° N.; then west along the line of latitude 31.1301° N. to the line of longitude -98.9463° W.; then north along the line of longitude -98.9463° W. to the line of latitude 31.3299° N.; then east along the line of latitude 31.3299° N. to the San Saba/Mill County line; then south along the San Saba/Mill County line to the point of beginning.

(2) Beginning at the intersection of the San Saba/McCulloch County line and the line of latitude 31.3440 N.; then east along the line of latitude 31.3440 N. to the line of longitude -98.9975 W.; then south along the line of longitude -98.9975 W. to the line of latitude 31.2141 N.; then west along the latitude 31.2141 N. to the San Saba/McCulloch County line; then north along the San Saba/McCulloch County line to the point of beginning.

*Throckmorton County.* Beginning at the intersection of the Throckmorton/Young County line and the line of latitude 33.1810° N.; then west along the line of latitude 33.1810° N. to the line of longitude -98.9922° W.; then north along the line longitude -98.9922° W. to the line of latitude 33.2175° N.; then west along the line of latitude 33.2175° N. to the line of longitude -99.0837° W.; then north along the line of longitude -99.0837° W. to the line of latitude 33.3073° N.; then east along the line of latitude 33.3073° N. to the line of longitude -99.0531° W.; then north along the line of longitude -99.0531° W. to the line of latitude 33.3535° N.; then west along the line of latitude

33.3535° N. to the line of longitude -99.1271° W.; then north along the line of longitude -99.1271° W. to the Throckmorton/Baylor County line; then east along the Throckmorton/Baylor County line to the Throckmorton/Young County line; then south along the Throckmorton/Young County line to the point of beginning.

*Young County.* (1) Beginning at the intersection of the Young/Archer County line and the line of longitude -98.8228° W.; then south along the line of longitude -98.8228° W. to the line of latitude 33.3600° N.; then west along the line of latitude 33.3600° N. to the line of longitude -98.9410° W.; then south along the line of longitude -98.9410° W. to the line of latitude 33.3001° N.; then east along the line of latitude 33.3001° N. to the line of longitude -98.8884° W.; then south along the line of longitude -98.8884° W. to the line of latitude 33.2878° N.; then east along the line of latitude 33.2878° N. to the line of longitude -98.8355° W.; then south on the line of longitude -98.8355° W. to the line of latitude 33.2552° N.; then east along the line of latitude 33.2552° N. to the line of longitude -98.7856° W.; then south along the line of longitude -98.7856° W. to the line of latitude 33.2237° N.; then east along the line of latitude 33.2237° N. to the line of longitude -98.7065° W.; then south along the line of longitude -98.7065° W. to the line of latitude 33.1329° N.; then west along the line of latitude 33.1329° N. to the line of longitude -98.8250° W.; then north along the line of longitude -98.8250° W. to the line of latitude 33.1484° N.; then west along the line of latitude 33.1484° N. to the line of longitude -98.9312° W.; then north along the line of longitude -98.9312° W. to the line of latitude 33.1810° N.; then west along the line of latitude 33.1810° N. to the Young/Throckmorton County line; then north along the Young/Throckmorton County line to the Young/Archer County line; then east along the Young/Archer County line to the point of beginning.

(2) Beginning at the intersection of the Young/Archer County line and the line of longitude -98.6851° W.; then south along the line of longitude -98.6851° W. to the line of latitude 33.3053° N.; then west along the line of latitude 33.3053° N. to the line of longitude -98.7906° W.; then north along the line of longitude -98.7906° W. to the line of latitude 33.3069° N.; then west along the line of latitude 33.3069° N. to the line of longitude -98.7926° W.; then north along the line of longitude -98.7926° W. to the Young/Archer

County line; then east along the Young/Archer County line to the point of beginning.

[61 FR 52207, Oct. 4, 1996, as amended at 62 FR 23624, May 1, 1997; 62 FR 62505, Nov. 24, 1997; 63 FR 1, Jan. 2, 1998; 63 FR 50751, Sept. 23, 1998; 64 FR 23752, May 4, 1999; 65 FR 50596, Aug. 21, 2000; 66 FR 32210, June 14, 2001; 66 FR 37576, July 19, 2001; 66 FR 63152, Dec. 5, 2001; 67 FR 61978, Oct. 3, 2002; 69 FR 246, Jan. 5, 2004; 69 FR 8096, Feb. 23, 2004; 69 FR 27823, May 17, 2004; 70 FR 15555, Mar. 28, 2005; 70 FR 73555, Dec. 13, 2005]

**§301.89-4 Planting.**

Any wheat, durum wheat, or triticale that originates within a regulated area must be tested and found free from bunted wheat kernels and spores before it may be used as seed within or outside a regulated area.

[69 FR 8096, Feb. 23, 2004]

**§301.89-5 Movement of regulated articles from regulated areas.**

(a) Any regulated article may be moved from a regulated area into or through an area that is not regulated only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§301.89-6 and 301.89-10;

(2) Without a certificate or limited permit, provided that each of the following conditions is met:

(i) The regulated article was moved into the regulated area from an area that is not regulated;

(ii) The point of origin is indicated on a waybill accompanying the regulated article;

(iii) The regulated article is moved through the regulated area without stopping, or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of contamination with Karnal bunt, or has been treated in accordance with the methods and procedures prescribed in §301.89-13 while in or moving through any regulated area; and

(iv) The article has not been combined or commingled with other articles so as to lose its individual identity;

(3) Without a certificate or limited permit, provided the regulated article is a soil sample being moved to a laboratory approved by the Adminis-

trator<sup>1</sup> to process, test, or analyze soil samples;

(b) When an inspector has probable cause to believe a person or means of conveyance is moving a regulated article, the inspector is authorized to stop the person or means of conveyance to determine whether a regulated article is present and to inspect the regulated article. Articles found to be infected by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial measures, destroyed, or otherwise disposed of. Any treatments will be in accordance with the methods and procedures prescribed in §301.89-13.

[61 FR 52207, Oct. 4, 1996, as amended at 62 FR 23627, May 1, 1997; 63 FR 50751, Sept. 23, 1998; 69 FR 8096, Feb. 23, 2004]

**§301.89-6 Issuance of a certificate or limited permit.**

(a) An inspector<sup>2</sup> or person operating under a compliance agreement will issue a certificate for the movement of a regulated article outside a regulated area if he or she determines that the regulated article:

(1) Is eligible for unrestricted movement under all other applicable Federal domestic plant quarantines and regulations;

(2) Is to be moved in compliance with any conditions deemed necessary under section 414 of the Plant Protection Act (7 U.S.C. 7714)<sup>3</sup> to prevent the artificial spread of Karnal bunt; and

<sup>1</sup>Criteria that laboratories must meet to become approved to process, test, or analyze soil, and the list of currently approved laboratories, may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Surveillance and Emergency Programs Planning and Coordination, 4700 River Road Unit 98, Riverdale, Maryland 20737-1236.

<sup>2</sup>Inspectors are assigned to local offices of APHIS, which are listed in local telephone directories. Information concerning such local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Surveillance and Emergency Programs Planning and Coordination, 4700 River Road Unit 98, Riverdale, Maryland 20737-1236.

<sup>3</sup>An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant